Docket No. TE-180826 - Vol. I

In the Matter of: Exotours, LLC d/b/a Exobus

November 14, 2018



206.287.9066 I 800.846.6989

1325 Fourth Avenue, Suite 1840, Seattle, Washington 98101 <u>www.buellrealtime.com</u>

email: <u>info@buellrealtime.com</u>



| | Page 1 | Page 3 |
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| BEFORE THE WASHINGTON | 1 | OLYMPIA, WASHINGTON; NOVEMBER 14, 2018 |
| UTILITIES AND TRANSPORTATION COMMISSION | _ 2 | 9:03 A.M. |
| In the Matter of Determining)DOCKET NO. TE-180826 the Proper Carrier Classification) | 3 | 000 |
| of, and Complaint for Penalties) | 4 | |
| Against:) | | PROCEEDINGS |
| , | 5 | |
| EXOTOURS, LLC D/B/A EXOBUS) | 6 | JUDGE CHARTOFF: Okay. So we are on the |
| | 7 | record. Good morning. My name is Laura Chartoff. I am |
| TRANSPORTATION COURT VOLUME | - 8 | an administrative law judge with the Washington |
| TRANSPORTATION COURT, VOLUME I | 9 | Utilities and Transportation Commission. |
| Pages 1-39 | 10 | Today is November 14th, 2018, and the time |
| ADMINISTRATIVE LAW JUDGE LAURA CHARTOFF | 12 | is 9:03 a.m. There are five charter party or excursion service carriers who should be here today. So the first |
| | - 13 | thing we will do is see who's here. There is a court |
| November 14, 2018 | 14 | reporter who is recording everything we say, so when I |
| 9:03 a.m. | 15 | call your name, please raise your hand and also say |
| Washington Utilities and Transportation Commission | 16 | "here" or "present." |
| 1300 South Evergreen Park Drive Southwest | 17 | So the first is TE-180401, Seattle 7 Days |
| Olympia, Washington 98504 | 18 | Limo? |
| | 19 | MR. JAGDIP SINGH: Present. |
| REPORTED BY: TAYLER GARLINGHOUSE, CCR 3358 | 20 | JUDGE CHARTOFF: Present, thank you. |
| Buell Realtime Reporting, LLC | 21 | TE-180582, Leavenworth Party Bus? |
| 1325 Fourth Avenue, Suite 1840 | 22 | MR. KELLY: Present. |
| Seattle, Washington 98101 (206) 287-9066 Seattle | 23 | JUDGE CHARTOFF: Thank you. |
| (253) 253-0111 Tacoma | 24 | TE-180710, Pack's Shuttle? |
| (800) 846-6989 National www.buellrealtime.com | 25 | MR. PACK: Present. |
| | | |
| | Page 2 | Page 4 |
| 1 APPEARANCES | Page 2 | Page 4 JUDGE CHARTOFF: Okay. Present on the |
| 2 ADMINISTRATIVE LAW JUDGE: | | |
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So I'll explain the -- your choices at this proceeding. You can choose to agree to cease and desist providing, offering, or advertising unpermitted charter party or excursion services. If you choose this option, you will need to show what you have done to shut down your business either completely or partially. I'm going to want to see proof that you're no longer operating or advertising, for example, you will need to prove that you have taken down or changed your websites or other online advertisements for your business.

The other option is to ask for a classification hearing if you want to show why you don't need a permit. So if you choose a hearing, you are denying that you offer or advertise charter party or excursion services. And for this choice, we'll schedule a hearing sometime in the next two months with a deadline a week before the hearing for both you and Commission Staff to list your witnesses and file any exhibits. So I have some dates, available dates, for that hearing. It could be in late December or the first half of January.

So I will call you up one at a time in just a moment. Mike Turcott is seated to my right over here. He is a Commission compliance investigator supervisor, date. And after I hear from each of you, you will -- we will take a break so you can meet with Staff and talk about your case and also discuss the penalty.

Page 7

Page 8

You were each served with a complaint that alleges you were providing the services without a permit and asks the Commission to penalize you. The law sets the maximum penalty for each violation at \$5,000. Staff will recommend a penalty and you will have a chance to reach an agreement with Staff about the penalty amount. Staff will explain the recommendation, but the Commission can make the final decision on the penalty amount.

Okay. So, Mr. Turcott, I'll -- will you be the representative -- will you be representing Staff for Seattle 7 Day Limo?

MR. TURCOTT: No, Your Honor. That will be Mr. Hoxit.

JUDGE CHARTOFF: Oh, okay. Why don't I have both of you come forward and I'll swear you both in.

(Mike Turcott and Jason Hoxit sworn.)

JUDGE CHARTOFF: Okay. So I'm going to call TE-180401, Seattle 7 Days Limo. Please come forward, and if you'll take a seat at the table. Make sure your microphone is turned on. You should see a red light.

So please state your first and last name,

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and he will be speaking for Commission Staff. There's another Staff member who will also be speaking, Jason Hoxit.

Okay. So now that we've gone over your choices, I'll explain what happens next. So in a few minutes, I'll call each of you up to make your choice. At that time, I will swear you in so anything you tell the Court will be under oath. Once you are sworn in, I will ask you if you understand your choices for today's hearing and then ask you to state your choice. If there's anything else you want to explain to me, you will have a chance to do that.

If you choose to testify about how you're getting out of the charter party or excursion service carrier business, you can explain how you plan to do that, and depending on the proof you can provide, you should be able to reach an agreement with Staff, and you'll have the opportunity to speak with Staff about that during a break in the proceeding. If you have recently applied for or received a permit from the Commission, you should let me know that.

And finally, if you deny you're operating as a charter party or excursion service carrier, we will schedule another hearing, and we're going to set -- it would help if you have your schedule so we can choose a 1 spelling your last name for the court reporter. 2

MR. JAGDIP SINGH: Yeah, it's Jagdip,

3 J-a-g-d-i-p. 4

JUDGE CHARTOFF: Can you speak into the microphone?

MR. JAGDIP SINGH: It's Jagdip Singh, J-a-g-d-i-p, S-i-n-g-h is my last name.

JUDGE CHARTOFF: And are you here with the company too?

MR. AMANDEEP SINGH: Yeah, I'm one of -- I'm one of their friends.

JUDGE CHARTOFF: Okay.

13 MR. AMANDEEP SINGH: So should I give my 14 name?

JUDGE CHARTOFF: Oh, so --

MR. JAGDIP SINGH: He's my friend. He just works with the tech.

JUDGE CHARTOFF: Oh, okay. So he's not here representing the company?

MR. JAGDIP SINGH: No.

JUDGE CHARTOFF: Okay.

21 22 MR. JAGDIP SINGH: He's just going to, you 23 know, explain the -- he's a tech guy, so he's -- he's an

24 engineer, you know, website and all that stuff he does, 25

so I just brought him to help me out.

Page 9 Page 11 1 JUDGE CHARTOFF: Is he going to be 1 server attempt to serve them any other way? 2 2 MR. HOXIT: Yes, there was a total of 15 testifying or --3 3 MR. JAGDIP SINGH: Yes. attempts. The first looks like five were at an address 4 4 JUDGE CHARTOFF: -- is he just -- oh, okay. on 80th Avenue West in Edmonds, which were unsuccessful. 5 5 So give me your name, please. JUDGE CHARTOFF: Hold on. My pen ran out of 6 MR. AMANDEEP SINGH: Amandeep, A-m-a-n-d, 6 ink. 7 7 double e, p, and last name is Singh, S-i-n-g-h. MR. HOXIT: Okay. 8 JUDGE CHARTOFF: And what is your position 8 JUDGE CHARTOFF: Okay. So there were a 9 9 with the company? total of 15 attempts? 10 10 MR. JAGDIP SINGH: It's the owner. MR. HOXIT: Yes, and that includes the final 11 JUDGE CHARTOFF: Owner, okay. 11 one at the hotel. So the first five were at the 80th 12 So can you both please stand and raise your 12 Avenue West address, which were -- was the address 13 13 right hand? registered on Mr. Singh's driver's license. Those were 14 14 (Jagdip Singh and Amandeep Singh sworn.) unsuccessful, so then we found an address of 13015 JUDGE CHARTOFF: Thank you. 15 Beverly Park Road in Lynnwood, Washington, and that is 15 16 Okay. So I heard that you have a concern 16 where we attempted an additional I believe it was nine 17 17 services. about service? 18 MR. JAGDIP SINGH: Yes. 18 And on multiple attempts, there were people 19 JUDGE CHARTOFF: Can you tell me about that? 19 present in vehicles registered to the company at that 20 MR. JAGDIP SINGH: First, I didn't get 20 address, and the Hummer H2s that were on the website 21 21 served the right way. There is no such driver called were located at the address identified in the 22 22 John or whatnot, that worked for me. And then when it declaration, but nobody was willing to accept service or 23 23 got served, you know, my -- my drivers are not identify themselves. And there were signs for Seattle 7 24 responsible for taking any or accepting any legal 24 Days Limo at that address. 25 documents. If anything, they have to serve to the 25 JUDGE CHARTOFF: Is -- is the 13015 address Page 10 Page 12 1 office or they gotta find the right person to serve. So 1 in Lynnwood, is that your office address? 2 I didn't get notified anything. So what I got last --2 MR. JAGDIP SINGH: That's a rental. I 3 last week, I just got an email from Jason for all the 3 actually rent that place out. It's a rental house. 4 4 JUDGE CHARTOFF: Do you own it or you rent information. 5 JUDGE CHARTOFF: Okay. So the driver didn't 5 it? 6 hand you the paperwork? 6 MR. JAGDIP SINGH: I own it, so I rent it to 7 MR. JAGDIP SINGH: No, not at all. 7 somebody. 8 JUDGE CHARTOFF: And you --8 JUDGE CHARTOFF: What is your address? 9 MR. JAGDIP SINGH: Yeah, there's -- there's 9 MR. JAGDIP SINGH: 228 -- 22826 - 80th 10 such a thing, you know, got anything delivered or 10 Avenue West, Edmonds, Washington 98026. 11 anything to the driver. So I'm just trying to -- trying 11 JUDGE CHARTOFF: So I -- I can't make a 12 to think, you know, who they served and whatnot. 12 ruling right now on whether service was -- was good or 13 13 not. I'd have to take that under advisement. Because the statement that they actually gave on the paperwork that I just saw an email, you know, I don't 14 14 MR. JAGDIP SINGH: Yeah. recognize that person that they served to. 15 15 JUDGE CHARTOFF: What I can say is that you 16 16 JUDGE CHARTOFF: Okay. Let me ask Staff. are here and maybe you should take this opportunity to 17 17 So can you tell me about the service on this either -- to choose one of the options, because even if 18 case? 18 service was bad. Staff is going to serve you again. 19 MR. HOXIT: Yeah, on that specific date, it 19 MR. JAGDIP SINGH: Yeah, no, I understand 20 was served in the hands of a John Doe, so it was an 20 that. But what if I never find out then, you know, I 21 unidentified individual who was representing Seattle 7 21 never show up to the court, what's going to happen, you 22 Days Limo. Staff had booked a ride under a fictitious 22 know? That's going to reflect me, though, in a bad way. 23 identity to meet at a hotel, and that was the individual 23 Because actually, you know, I'm not talking just about 24 24 only me. What if it happens to some other companies and who came to pick out -- pick up the individual. 25 JUDGE CHARTOFF: Did Staff or the process 25 they have to go through the same process if they don't

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find out? Then they're going to have to deal with the other penalties, you know.

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I think you said, you know, served this better or make this better, I guess the next time it won't just happen like that, I guess. Because the drivers are only responsible for just to take the customer, pick them up, take them to, you know, do their jobs. They're not actually there to get served any kind of legal paper or legal arguments, you know. That's not their responsibilities.

You know, if they have to serve, they have to serve the owners, manager, or, you know, whatever they have to do to serve the right people so the other people don't have to, you know -- I just find out, that's why I'm here. Otherwise, he should be putting another penalty on the top, you know, if I never showed

JUDGE CHARTOFF: I -- I understand, but at this point, you know, you are here, you got the materials. Are you prepared to, you know, make a decision on which way to go?

MR. JAGDIP SINGH: I'm somewhat, you know, prepared, you know. I can always make decisions, you know, but I can provide you what I have, though, if you approve it and whatnot, you know, what they have.

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1 So five million [sic] or whatnot, I have all 2 the paperwork and I have a licensed vehicle, which is 3 the Hummer that they actually talking about and then 4 they -- the insurances for both and they're legal to 5 doing a limousine carrier, which is I'm actually holding 6 it right now. This is what I was doing the whole time 7 once it got -- the UTC got expired so -- so I don't know 8 what concerns and what pictures or what they -- if they 9 can explain me more, I can explain them more.

JUDGE CHARTOFF: Okay. So yeah, we're not prepared to do a classification hearing today. Staff would need --

I assume Staff would prefer us to set this out for a hearing?

MR. TURCOTT: Yes, Your Honor. We would ask that a classification hearing be set, and if possible, since it's difficult to serve this company, if any way possible for them to leave today with the date of that hearing. It seems to be difficult through normal channels to serve process on this company.

JUDGE CHARTOFF: Yeah, yes. So do you have your calendar with you? MR. JAGDIP SINGH: Let me check.

JUDGE CHARTOFF: I have some days that I -so in December, I have the 20th or the 21st, and then in

Page 14

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JUDGE CHARTOFF: So are you willing to admit
that you were operating without a permit?
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MR. JAGDIP SINGH: No, actually, Your Honor, I'm not.

JUDGE CHARTOFF: You're not, okay.

MR. JAGDIP SINGH: Yes.

JUDGE CHARTOFF: So would you like to set a hearing?

MR. JAGDIP SINGH: Yeah, that would be nice, but, you know, if I want to hear -- if you want to hear, I can explain too right now or you can set another date.

JUDGE CHARTOFF: If you're denying that you're operating without a permit, is it because you think that your business doesn't require it?

MR. JAGDIP SINGH: Yes, ma'am.

JUDGE CHARTOFF: Okay.

MR. JAGDIP SINGH: I used to run a UTC license. I have the proofs to 2015 and '16. I think they have the proofs too, but after that one, it says it expired and I never run it. I only have two vehicles

that's listed on the business, which is a Hummer and the ten-pack, you know. And I do have the paperwork from

23 the City too and the insurances, but these are -- I also 24 have the old UTC inspections and the insurances that I 25

used to run.

January, I have a number of dates in the first half.

2 The 3rd, 4th.

> MR. JAGDIP SINGH: Yeah, January works the best. Let's do the 3rd if that's available.

JUDGE CHARTOFF: The 3rd. Can someone from Staff --

MR. TURCOTT: Yes, Your Honor.

MR. HOXIT: Yes, that day will work for 9

Staff.

MR. JAGDIP SINGH: Let me confirm one more time. Yeah, that works. Thank you.

JUDGE CHARTOFF: Okay. And how can we -- so we're going to send the notice to the address --

MR. JAGDIP SINGH: 22826, yeah.

JUDGE CHARTOFF: 22826.

MR. JAGDIP SINGH: 80th Avenue West, Edmonds, Washington 98026. If you are sending them,

please send a certified mail. That way you can leave

19 the note at the door, because every time we got served, 20 there was no message or nothing was actually left on the

21 door. And my mom don't speak English, so she don't 22

know, you know, what to accept and what not. And I'm

23 working on pretty much every time whenever they try to 24 come there.

JUDGE CHARTOFF: Okay. All right. Okay.

| | Page 17 | | Page 19 |
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| 1 | So you're free to go. | 1 | in this matter. |
| 2 | MR. JAGDIP SINGH: What what time will it | 2 | JUDGE CHARTOFF: Okay. Great. |
| 3 | be, though; do you know? Sorry. Or it's not set up | 3 | Okay. So when we take a break, you can talk |
| 4 | yet? | 4 | to Staff and see if you can come to an agreed order. |
| 5 | JUDGE CHARTOFF: Oh, it's typically 9:30. | 5 | That order will say that you were operating without a |
| 6 | MR. JAGDIP SINGH: It's 9:30, okay. | 6 | permit, that you advertised without a permit, and that |
| 7 | JUDGE CHARTOFF: Does that work? | 7 | you agree to stop operating until you get a permit if |
| 8 | MR. JAGDIP SINGH: Yeah, that works, we're | 8 | you do decide to apply for one. And once you feel |
| 9 | just gonna hit the traffic, two hours. | 9 | comfortable that you understand the order, you and Staff |
| 10 | JUDGE CHARTOFF: I might be able to do the | 10 | will both sign it. It will also include most likely an |
| 11 | afternoon if that would | 11 | agreement on the penalty amount, but if not, you can |
| 12 | MR. JAGDIP SINGH: Yeah, that works great, | 12 | explain to me why the penalty should be different than |
| 13 | then. | 13 | what Staff is recommending. And do you have any |
| 14 | JUDGE CHARTOFF: We'll do 1:00 p.m. | 14 | questions? |
| 15 | MR. JAGDIP SINGH: Yes, ma'am, thank you. | 15 | MR. KELLY: That's it. Fair enough. |
| 16 | JUDGE CHARTOFF: Okay. All right. You're | 16 | JUDGE CHARTOFF: Oh, okay. Please return to |
| 17 | free to go. | 17 | your seat and wait for the break. Thank you. |
| 18 | MR. JAGDIP SINGH: All right. Thank you | 18 | Okay. TE-180710, Pack's Shuttle? |
| 19 | very much. | 19 | MR. PACK: I'm here, Your Honor. |
| 20 | JUDGE CHARTOFF: Okay. So I'm going to call | 20 | JUDGE CHARTOFF: Oh, okay. On the bridge |
| 21 | TE-180582, Leavenworth Party Bus. | 21 | line. Please state your first and last name, spelling |
| 22 | MR. KELLY: Is this on? How about that. | 22 | your last name for the court reporter. |
| 23 | All right. | 23 | MR. PACK: Nathan Pack, P-a-c-k. |
| 24 | JUDGE CHARTOFF: So please state your first | 24 | JUDGE CHARTOFF: And what is your position |
| 25 | and last name. | 25 | with the company? |
| | | | |
| | Dago 19 | | Dago 20 |
| 1 | Page 18 | | Page 20 |
| 1 | MR. KELLY: Christopher Kelly. | 1 | MR. PACK: Member/manager. |
| 2 | MR. KELLY: Christopher Kelly. JUDGE CHARTOFF: Can you spell your last | 2 | MR. PACK: Member/manager. JUDGE CHARTOFF: Okay. I will swear you in. |
| 2 | MR. KELLY: Christopher Kelly. JUDGE CHARTOFF: Can you spell your last name? | 2 3 | MR. PACK: Member/manager. JUDGE CHARTOFF: Okay. I will swear you in. (Nathan Pack sworn.) |
| 2 3 4 | MR. KELLY: Christopher Kelly. JUDGE CHARTOFF: Can you spell your last name? MR. KELLY: K-e-I-I-y. | 2 3 4 | MR. PACK: Member/manager. JUDGE CHARTOFF: Okay. I will swear you in. (Nathan Pack sworn.) JUDGE CHARTOFF: Thank you. |
| 2 3 4 5 | MR. KELLY: Christopher Kelly. JUDGE CHARTOFF: Can you spell your last name? MR. KELLY: K-e-I-I-y. JUDGE CHARTOFF: Thank you. | 2 3 4 5 | MR. PACK: Member/manager. JUDGE CHARTOFF: Okay. I will swear you in. (Nathan Pack sworn.) JUDGE CHARTOFF: Thank you. Okay. So do you understand the choices that |
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| | Page 21 | | Page 23 |
|--|---|--|--|
| 1 | are any signs left somehow I had sold this company | 1 | MR. COGGINS: Duane Coggins, C-o-g-g-i-n-s. |
| 2 | and they were operating it without a license. It was my | 2 | JUDGE CHARTOFF: And what is your position |
| 3 | fault for not transferring and closing it on my side, | 3 | with the company? |
| 4 | but I would like the record to note that I've made every | 4 | MR. COGGINS: Owner/operator. |
| 5 | attempt to collect every single sign there might have | 5 | JUDGE CHARTOFF: Okay. I will swear you in. |
| 6 | been. So if there is a sign floating around there | 6 | (Duane Coggins sworn.) |
| 7 | somewhere, I didn't know about it and I'm not using it. | 7 | JUDGE CHARTOFF: Thank you. |
| 8 | JUDGE CHARTOFF: Okay. Okay. Anything | 8 | So do you understand the choices I explained |
| 9 | further from Staff? | 9 | earlier? |
| 10 | MR. HOXIT: Would it be okay with you, | 10 | MR. COGGINS: Yes, I do. I'm going to go |
| 11 | Judge, if we call Mr. Pack back before we reconvene from | 11 | with the cease operating until I can get a permit again. |
| 12 | recess? That way he's not on the line for however long. | 12 | JUDGE CHARTOFF: So you agree to cease and |
| 13 | JUDGE CHARTOFF: Sure. What are you you | 13 | desist until such time is when you're able to get |
| 14 | mean | 14 | MR. COGGINS: Yeah, it'd be March when I'm |
| 15 | MR. HOXIT: Staff would call him when we're | 15 | able to get up and running again. |
| 16 | ready to come back into the hearing and would ask that, | 16 | JUDGE CHARTOFF: Does Staff have anything to |
| 17 | on the record, Mr. Pack provide a valid phone number for | 17 | say on this one? |
| 18 | Staff to contact him with so he doesn't have to stay on | 18 | MR. TURCOTT: Yes, Your Honor. Mr. Coggins |
| 19 | hold during the entire recess, and we can call him and | 19 | and I discussed the matter before the hearing. He's |
| 20 | then he would call back into the bridge line. | 20 | taken his advertising down, we've discussed plans for |
| 21 | JUDGE CHARTOFF: Oh, sure. So you want me | 21 | reapplying in the spring, and we've discussed potential |
| 22 | to ask him to | 22 | penalty agreements and we're ready to proceed with that. |
| 23 | MR. HOXIT: Yeah. | 23 | JUDGE CHARTOFF: Great. |
| 24 | JUDGE CHARTOFF: provide a phone number? | 24 | Okay. So yeah, when we take a break, you |
| 25 | Can you provide a phone number for us to | 25 | will discuss with Staff. |
| | | | |
| | Page 22 | | Page 24 |
| 1 | Page 22 reach you? | 1 | Page 24 MR.COGGINS: Okav. |
| 1 2 | reach you? | 1 2 | MR. COGGINS: Okay. |
| | | | MR. COGGINS: Okay. JUDGE CHARTOFF: And I won't go through the |
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MR. HOXIT: Yeah, it's my understanding that the company has applied and they are awaiting a motor carrier inspection prior to being potentially issued a certificate.

MR. LUCA: Which I do now have the inspection and everything that we had passed.

JUDGE CHARTOFF: Okay. So what we would be asking you to cease and desist to stop operating until such time as you get the permit.

MR. LUCA: Okay.

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JUDGE CHARTOFF: So -- okay. So when we take a break, you can talk with Staff and see if you can sign an agreed order. That order will say that you agree you were operating without a permit and that you advertised without a permit and that you agree to stop operating until you get a permit. And then once you feel comfortable that you understand the order, you and Staff will both sign it, and it will most likely include an agreement on the penalty amount. But if not, you can explain why the penalty should be different than what Staff is recommending. So do you have any questions?

MR. LUCA: I don't think so, no.

JUDGE CHARTOFF: Oh, okay. So please return to your seat.

MR. LUCA: Awesome. Thank you.

to call Leavenworth Party Bus. Please come forward, take a seat.

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Page 28

3 Okay. So, Mr. Kelly, did you have a chance 4 to read the whole order?

MR. KELLY: I did. I did. Mike went over it with me.

JUDGE CHARTOFF: And do you understand it? MR. KELLY: I do. There was -- the only one stipulation that I did want to state to the Court was the fact that I believe it was paragraph 10 or 12, the bottom line was that I was not aware that I was operating out of compliance. The letter that was sent to the company was sent to the former owner, and I was never made aware of that. I wasn't -- I wasn't aware that I was out of compliance until the -- I was served with the papers. So Mike was very understanding and I will take whatever penalty that the Court deems fit. It was just -- it wasn't something I was trying to get over on anybody. I wasn't trying to pull anything off. I was just unaware that I was out of compliance.

JUDGE CHARTOFF: Okay.

MR. TURCOTT: Your Honor, in -- on this point, the -- the violation is for operating after cancellation of a certificate, but I wanted to point out that the certificate was issued to a previous owner.

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JUDGE CHARTOFF: So at this point, we're going to take a break, and as soon as I -- you have a chance to review the cease and desist orders with Staff, you can talk about the penalty. The recommended penalty may be small or there may be a reason why Staff asked for a larger penalty, for example, if you've been in front of a judge here before or you had a permit with the Commission that was cancelled.

So usually part of the penalty is suspended and you will not have to pay it unless you break the law again. So you'll pay the unsuspended part of the penalty today and you'd only have to pay the rest if you violate the order. And then I'll call everyone back up and make sure you understand the order and you can sign it and leave with a copy of it. So anything else before we take a break? Okay. We are in recess.

> (Recess taken from 9:36 a.m. until 10:23 a.m.)

JUDGE CHARTOFF: We are back on the record at 10:25 a.m. I understand the cease and desist orders have been explained to each company. So I will call you back up one at a time in the order we went before except we'll call Pack's last. Is that...

MR. HOXIT: Yeah, that's correct.

JUDGE CHARTOFF: Okay. Okay. So I'm going

And so while it's true that Leavenworth Party Bus

2 operated after cancellation of a certificate, Mr. Kelly 3 did not operate. You know, this was -- he was a new

4 owner. He did not receive the cancellation letter the 5

previous owner received, and that's reflected in the recommendation for suspended -- we recommended

suspending a larger penalty amount in this case to be fair to the circumstances.

JUDGE CHARTOFF: Yeah, it looks like they're suspending -- let's see here. So there's a \$10,000 penalty and Staff is recommending a 9,000 be -- portion be suspended and that seems in line with --

MR. KELLY: Okay. I made the payment already so...

JUDGE CHARTOFF: Oh, okay.

MR. KELLY: That ship has kind of sailed.

JUDGE CHARTOFF: So for the record, you are agreeing to shut down until you -- unless or until you get a permit.

MR. KELLY: Absolutely.

JUDGE CHARTOFF: The payment -- okay. So you already made the payment.

MR. KELLY: I did.

24 JUDGE CHARTOFF: So -- okay. So I have a couple of things to tell you. Okay. So the -- the

7 (Pages 25 to 28)

| | Page 20 | | Daga 21 |
|--|---|--|---|
| - | Page 29 | | Page 31 |
| 1 | \$9,000 is suspended for two years from today's date, | 1 | time, you will have to pay the full penalty. |
| 2 | which is November 14th, 2018. That means that if Staff | 2 | MR. COGGINS: Right, okay. |
| 3 | finds an advertisement or you offer charter party or | 3 | JUDGE CHARTOFF: And the order to cease and |
| 4 | excursion carrier services during this time, you will | 4 | desist is permanent. That means that even after two |
| 5 | have to pay that \$9,000 penalty. | 5 | years, if you if they find you operating without a |
| 6 | MR. KELLY: I understand. | 6 | permit, they can go straight to superior court and ask |
| 7 | JUDGE CHARTOFF: And the order to cease and | 7 | for much higher penalties. |
| 8 | desist is permanent. It never expires, that is unless | 8 | MR. COGGINS: Right. |
| 9 | you get a permit. | 9 | JUDGE CHARTOFF: Okay. And you I see you |
| 10 | MR. KELLY: Got it. | 10 | have a payment schedule. |
| 11 | JUDGE CHARTOFF: So if Staff discovers | 11 | MR. COGGINS: Yes, and I made today's |
| 12 | you're still operating even after two years, Staff can | 12 | payment already. |
| 13 | go straight to superior court and ask for higher | 13 | JUDGE CHARTOFF: Okay. And you made today's |
| 14 | penalties. | 14 | payment. And the payment schedule is about is \$250 |
| 15 | MR. KELLY: Understood. | 15 | due each month on the 14th or the 15th if the 14th is a |
| 16 | JUDGE CHARTOFF: Okay. Do you have any | 16 | Sunday, I assume. And do you understand that if you |
| 17 | additional questions about the order? | 17 | miss a payment, you'll have to pay the full amount? |
| 18 | MR. KELLY: No. | 18 | MR. COGGINS: Yes, I do. |
| 19 | JUDGE CHARTOFF: Okay. Anything from Staff? | 19 | JUDGE CHARTOFF: So including the suspended |
| 20 | MR. TURCOTT: No, ma'am. | 20 | penalty. So if for some reason you're going to be late |
| 21 | JUDGE CHARTOFF: No, okay. | 21 | making a payment, you must contact Staff and make |
| 22 | So I'm going to sign it and okay. Staff | 22 | arrangements so you don't end up having to pay the whole |
| 23 | will make you a copy and when you receive it, you're | 23 | penalty. |
| 24 | free to go. | 24 | MR. COGGINS: Okay. |
| 25 | MR. KELLY: Thank you. | 25 | JUDGE CHARTOFF: Do you understand what you |
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| | Page 30 | | Page 32 |
| 1 | Page 30 JUDGE CHARTOFF: Okay. So next I'm going to | 1 | Page 32 can and can't do? |
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| | Page 33 | | Page 35 |
|--|---|--|--|
| 1 | for two years. And you understand that if Staff finds | 1 | JUDGE CHARTOFF: And do you have any |
| 2 | you operating, the entire amount will be due? | 2 | questions about it? |
| 3 | MR. LUCA: Whole thing. | 3 | MR. PACK: I do not. |
| 4 | JUDGE CHARTOFF: And that the cease and | 4 | JUDGE CHARTOFF: Okay. And I'll just go |
| 5 | | 5 | through it here. It looks like there's two violations, |
| 6 | desist order is permanent so long as you don't have a permit. | 6 | one for offering charter party or excursion services and |
| 7 | MR. LUCA: Mm-hmm. | 7 | one for advertising those services. And there is a |
| 8 | JUDGE CHARTOFF: Okay. And the payment | 8 | \$10,000 penalty, 9,000 of the penalty is suspended for a |
| 9 | schedule you made \$125 payment. | 9 | period of two years from today's date, which is |
| 10 | MR. LUCA: I'll make it tomorrow. I we | 10 | November 14th, 2018. That means that if Staff finds an |
| 11 | recently lost our wallet so | 11 | advertisement or you offer charter party or excursion |
| 12 | JUDGE CHARTOFF: Okay. | 12 | carrier services during that time, you will have to pay |
| 13 | MR. LUCA: It will come in tomorrow. | 13 | the full \$10,000 penalty; do you understand that? |
| 14 | JUDGE CHARTOFF: You plan to make it | 14 | MR. PACK: I do. |
| 15 | tomorrow. | 15 | JUDGE CHARTOFF: Okay. And also, the order |
| 16 | MR. LUCA: Yeah. | 16 | to cease and desist is permanent. It never expires. So |
| 17 | JUDGE CHARTOFF: And \$125,000 \$125, \$125 | 17 | · · · · · · · · · · · · · · · · · · · |
| | will be owed on | 18 | if Staff discovers you are still operating even after |
| 18 | | 19 | two years, they can go straight to superior court and |
| 19 20 | MR. LUCA: 15th and 14th. | 20 | ask for much higher penalties. So it's important |
| 21 | JUDGE CHARTOFF: December 14th, January 15th, and February 15th. Okay. And also, if you miss a | 21 | MR. PACK: I understand. |
| 22 | payment, the whole thing will be due so | 22 | JUDGE CHARTOFF: Okay. And it looks like let me see if there's a there's a payment plan, \$250 |
| 23 | • • • | 23 | |
| 24 | MR. LUCA: Don't miss it for 125 bucks. | 24 | will be paid today. |
| 25 | JUDGE CHARTOFF: And if anything if you | 25 | MR. PACK: Yes. |
| 25 | have any problems, please contact Staff and make | 25 | JUDGE CHARTOFF: And \$250 will be due |
| | Page 34 | | Page 36 |
| | | 1 | - I |
| 1 | arrangements. Okay. Are there any questions? | 1 | December 14th, January 14th, and February 14th. And do |
| 1 2 | arrangements. Okay. Are there any questions? MR. LUCA: No, ma'am. | 1 2 | |
| | | | December 14th, January 14th, and February 14th. And do |
| 2 | MR. LUCA: No, ma'am. | 2 | December 14th, January 14th, and February 14th. And do you understand that if you miss a payment, you'll have |
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| _ | | | |
| 1 2 | all the proper insurance and license and documentation? JUDGE CHARTOFF: Yes, this this order | 1 2 | CERTIFICATE |
| 3 | does not prevent you from getting permitted. | 3 | STATE OF WASHINGTON |
| 4 | MR. PACK: Okay. | 4 | COUNTY OF THURSTON |
| 5 | JUDGE CHARTOFF: Our goal would be that | 5 | OCCUPATION TON |
| 6 | either people, you know, don't operate or get a permit | 6 | I, Tayler Garlinghouse, a Certified Shorthand |
| 7 | and do operate. | 7 | Reporter in and for the State of Washington, do hereby |
| 8 | MR. PACK: Okay. | 8 | certify that the foregoing transcript is true and |
| 9 | JUDGE CHARTOFF: So yes, this only prevents | 9 | accurate to the best of my knowledge, skill and ability. |
| 10 | you or orders you to not operate so long as you don't | 10 | Exercise 1 |
| 11 | have a permit. | 11 | |
| 12 | MR. PACK: Okay. Great. | 12 | Taylor Garlinghouse, CCR 3358 |
| 13 | JUDGE CHARTOFF: Okay. So I'm going to go | 13 | Tayler Garlinghouse, CCR 3358 |
| 14 | ahead and sign this, and how will it be how will | 14 | |
| 15 | Staff get a copy of this to Mr. Pack? | 15 | |
| 16 | MR. HOXIT: We have a physical address on | 16 | |
| 17 | file, but if it's okay with Mr. Pack to serve him | 17 | |
| 18 | electronically. | 18 | |
| 19 | MR. PACK: Yeah, no, that's fine. Email is | 19 | |
| 20 21 | great. | 20 21 | |
| 22 | JUDGE CHARTOFF: Okay. Okay. So he will do that probably by the end of the day. | 21 | |
| 23 | MR. HOXIT: Yes. | 23 | |
| 24 | JUDGE CHARTOFF: Okay. So that's it, then. | 24 | |
| 25 | We are in recess. You're free to go. | 25 | |
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| 1 | (Adjourned at 10:42 a.m.) | | |
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